



WISCONSIN LEGISLATIVE COUNCIL

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CLEARINGHOUSE RULE 02-038

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. It would be more helpful to persons interested in the changes proposed in ch. DOC 310 by Clearinghouse Rule 02-038 to amend specific provisions rather than repeal and recreate the entire chapter. Most of the provisions of ch. DOC 310 are unaffected by the revision. However, in order to evaluate the changes that are being proposed, an interested person must review the entire chapter line-by-line in order to find the provisions that are revised.

b. Section titles should be shown in bold print. [See s. 1.05 (2) (b), Manual.]

c. All subunits of a rule should end with a period rather than a semicolon.

d. The effective date clause needs to be more specific, rather than providing bracketed alternatives.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. DOC 310.11 (7), the reference to “these rules” should be more specific. Should the reference be to “this chapter” or “this section”?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The meaning of the phrase “official or individual capacity” in s. DOC 310.05 is unclear--especially the reference to “individual capacity”--since the provision refers to “acts or omissions committed while carrying out that person’s duties . . . or while acting within the scope of the person’s office”

b. Section DOC 310.07 (2) uses the term “examiner,” rather than the defined term “ICE” or “institution complaint examiner.”

c. Section DOC 310.07 (6) states that the “CCE reviews appeals” Currently, this provision states that the “CCE investigates appeals” The reference to “investigates” is consistent with the definition of “CCE.” This inconsistency should be reconciled.